

***Draft* MEETING MINUTES
CITY OF MILPITAS**

Minutes of:	Regular Meeting of Milpitas City Council
Date:	Tuesday, November 3, 2015
Time:	6:00 PM Closed Session / 7:00 PM Open
Location:	Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Esteves called the meeting to order at 6:00 PM. City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo, Giordano and Grilli

ABSENT: None

CLOSED SESSION

City Council convened in Closed Session to discuss three litigation matters.

City Council then convened in Open Session at 7:22 PM.

ANNOUNCEMENT

No announcement out of closed session.

PLEDGE

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

INVOCATION

Councilmember Grilli invited Mr. Cary Matsuoka, Superintendent of Milpitas Unified School District to provide a prayer to start the meeting.

MEETING MINUTES

Motion: to approve the minutes of October 20, 2015 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

SCHEDULE OF MEETINGS

Motion: to approve Council Calendar/Schedule of Meetings for November 2015

Motion/Second: Councilmember Grilli/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

PRESENTATIONS

Mayor Esteves made several presentations at the meeting.

The Mayor commended the Milpitas winners at 2015 Synopsys Championship. Santa Clara Valley Science and Engineering Fair Association representative Sandra Meditch explained the championship and thanked the Mayor for commending: Prathik Kakariamudi (Merryhill School Milpitas), Aditya Umes Udgaonkar (Merryhill School Milpitas), Victoria Truong (Merryhill School Milpitas) and Hilal Atesoglu (Magnolia Science Academy).

The Mayor commended student Tyler Nguyen for participation as a US National Taekwondo team member in recent competition.

He also commended and thanked Mr. Rene Briones, a long-time Troop and ScoutMaster for the Boy Scouts, a Bicycle Pedestrian Advisory Commissioner along with other community contributions, upon his departure from Milpitas.

PUBLIC FORUM

Thelma Batilo, Milpitas resident, asked for an agenda item on November 17 for her Special Kids & Adults Day, which she and other were planning to host a second annual celebration related to a special olympics-type event for challenged children and adults on Sunday, April 24, 2016. She hope to have it at the Milpitas Community Center, and asked specifically to partner with the City on the event with the Milpitas Lions Club.

Robert Marini, Milpitas resident, referred to the water rate notice sent out to the public recently, where he found no reference to the \$2.5 million bond, putting the City and ratepayers in debt for 30 years. He listed various objections to the notice, fees, and expenses for utility services. Also, he asked for agenda item No. 4 (Council subcommittee) to come off the consent calendar.

Voltaire Montemayor, Milpitas resident, talked about the number of high school enrollees, and a need to find a place for another high school, for swimming and taekwondo, other sports.

Rob Means, Milpitas resident at 1421 Yellowstone Ave., spoke on PRT capacity and explained recent technology and handed out a flyer with further information for the Council.

Tom Valore, Milpitas resident, referred to major decisions for procurements for hauling and disposal contract for garbage coming up in February. It would have a big impact on every resident and it appeared that work so far had been objective. However, it could get to be subjective when it comes to City Council decision-making.

ANNOUNCEMENTS

City Manager Tom Williams announced that on Wednesday, November 11, the City would honor all veterans on that holiday with a ceremony starting at 9:00 AM at the outdoor Veterans Plaza.

Vice Mayor Montano had attended Senator Wieckowski's address on October 29, presenting local heroes, including Milpitas Police Officer Eric Emmanuele. She attended that event along with Councilmember Marsha Grilli.

Mayor Esteves announced that Milpitas High School students were sponsoring the annual Jack Emory Food Drive for food donations this month, going to the Milpitas Food Pantry.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Motion: to approve the Consent Calendar (items noted with *asterisk), as amended

Councilmember Giordano requested to remove agenda item no. 4 (new Council subcommittee) based on the request from a resident in the audience.

Motion/Second: Councilmember Giordano/Councilmember Barbadillo

Motion carried by a vote of: AYES: 5
NOES: 0

*2. Odor Report Update Received the update of the odor control report.

*3. Commission Appointment Newly appointed Raghu Reddy as Alternate No. 2 on the Economic Development Commission to a term that will expire in April of 2016.

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| *5. In-Kind Arts Grant | Approved two applications for the Milpitas Arts and Culture Grant program and awarded grants to the Filipino American Association of Milpitas, Inc. and South Bay Kids for in-kind performance space at City facilities and City of Milpitas staff support for the Fil-Am Fiesta and We've Got the Music concert, events in 2016. |
| *7. Council Schedule 2016 | Approved the 2016 City Council meeting schedule, including additional special meetings in July and December to accept final election results. |
| *8. Investment Portfolio Status | Received the investment report for the quarter ended September 30, 2015 |
| *9. 3 months Financial Status | Received the financial status report for the three months ended September 30, 2015. |
| *10. Resolution | Adopted Resolution No. 8508 granting initial acceptance of the Automated Water Meter (Phase 1), Projects No. 7121, subject to a one year warranty period, and reduction of the faithful performance bond to \$33,330.78; and, granting authorization to the City Engineer to issue the notice of final acceptance after the one-year warranty period and to release and discharge the performance bond without further City Council action. |
| *11. Verde Design Inc. | Approved the agreement with Verde Design Inc. in the amount of \$137,500 for the Milpitas Sports Center Sports Fields, Project No. 5104 to provide construction management support. |
| *12. Pay Preston Pipelines | Received report of emergency erosion repair of Wrigley-Ford Creek, Project No. 3700 and authorize payment of invoices for this work to Preston Pipelines. |

PUBLIC HEARING

1. Special Events Ordinance
- Planner Cindy Hom provided the background regarding the process for approving events at the City government. Special event and activities had been reviewed – per a 2010 municipal code update - by the Planning Commission Subcommittee. Improvements were recommended by the Planning Commission for streamlining this process with new definitions, updated requirements, standards and conditions, and levels of approval.
- Vice Mayor Montano asked what the major change was. Ms. Hom replied it was to define “special event” by stating what it is and is not. Also defined further were criteria for approving an event, refined insurance requirements, and clear procedures for appeals and revocations.
- Councilmember Barbadillo inquired what brought about the changes recommended and staff said these streamlining ideas came from the Planning Commission Subcommittee.
- Next, Mayor Esteves opened the public hearing.
- Tom Valore, Milpitas resident and a member of the Board of Directors of the Milpitas Chamber of Commerce, wondered if organizations most affected by these changes were aware of these recommendations. He suggested to the Council and staff to make local organizations immediately aware of the changes, if adopted.
- Voltaire Montemayor, Milpitas resident, asked if there was space to make a big auditorium to accommodate 1,000 people, then all could have a large City fiesta similar to a BBQ, have floats from all nationalities in the world.

(1) **Motion:** close the public hearing following any comment

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

City Attorney Chris Diaz read aloud the title of Ordinance No. 38.823, “An Ordinance of the City Council of the City of Milpitas Amending Chapter 10 of Title XI of the Milpitas Municipal Code (Zoning Code), Sections 2, 13.11, and 24.04, Tables 57.04-1 and 64.02-1, and Adding Section 15, Relating to Special Events and Activities.”

(2) Motion: to waive the first reading beyond the title of Ordinance No. 38.823

Motion/Second: Councilmember Barbadillo/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

(3) Motion: to introduce Ordinance No. 38.823 amending the City of Milpitas Zoning Code to include provisions relating to special events and activities

Motion/Second: Councilmember Barbadillo/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

4. New Subcommittee

Mayor Esteves asked if any specific Councilmember wanted to volunteer to serve on the new Communications subcommittee, beyond Councilmember Grilli (and himself). No response was heard.

Robert Marini, Milpitas resident, asked why the City Council was forming a new Subcommittee for communications after it had just hired a firm for \$180,000. He wanted to know what was to be gained by this action.

Mayor Esteves expressed his reason for the request for the new subcommittee. It was to review communications work plans, review press releases and other written materials on major information to the public, prior to that information being distributed. The City Manager commented that he expected much of the review to happen by e-mail communication and to schedule meetings only when needed.

Councilmember Giordano thought this was a terrific idea, as an outgrowth of having the public relations firm. She supported the idea.

Mayor Esteves invited comment from the audience.

Voltaire Montemayor, Milpitas resident, believed it was like a screening for consultancy with the subcommittee.

Motion: to receive the Mayor’s recommendation and to approve formation of a new City Council Communications Subcommittee, with he and Councilmember Grilli as the appointed members

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

NEW BUSINESS

6. Report from PG&E rep.

Planning Director Bill Ekern introduced Anthony Lin, Government Relations Representative for Pacific Gas & Electric, who came before the City Council to talk about its Community Underground Pipeline safety project and outreach to municipalities.

Mr. Lin then introduced Darin Cline, Government Relations, Community Pipeline Safety Initiative, and Greg Saenz, Senior Vegetation Program Manager. The men discussed some issues with trees in the community, and the need to remove trees and replace some vegetation for safety purposes. Mr. Saenz described electric lines and safety measures needed with regard to landscaping and trees, including removing some vegetation and landscaping, specifically trees along McCarthy Blvd.

Vice Mayor Montano asked about the trees at McCarthy Ranch. She wanted to ensure the PG&E staff was aware of recent efforts by the Community Advisory Commission to encourage and to plant more trees throughout the City.

Councilmember Grilli asked if any of the trees were historical trees that PG&E wanted to remove. The City Manager responded no.

Timeframes for tree removal would be by the end of this year 2015, PG&E reported. This was especially in preparation prior to the anticipated “el niño” weather pattern expected in early 2016.

Councilmember Barbadillo asked if any of the trees to be removed were in residential housing areas of the City. PG&E staff replied about 10% of those in Milpitas on their list.

Mayor Esteves had several questions for the utility, including who would resolve disagreements about the removal of a tree if a homeowner objected. PG&E responded that it had over 90% success in tree removal on homeowner properties to date, with the bottom line was safety for everybody.

Next, the Mayor invited audience members to comment.

Bob Nunez, a resident of Villa Landings in Milpitas, referred to a letter his homeowners association had received two months ago from PG&E about removal of trees near electric lines on their property, being too close. A contractor had performed removal work and the association received only a small amount from PG&E in return to replant landscaping. He thanked the Mayor in particular for questioning who would resolve any disputes.

Robert Marini, Milpitas resident, felt if no letter was received by December, then there was no issue at one’s home. There was some contradiction and concern for safety, and potential cyber attacks on communication lines.

Voltaire Montemayor, Milpitas resident, was in between when it came to danger. A deep problem could not be stopped. He was concerned about lightening rod, live wire, tree roots dead or alive, and corrosive pipes which were acidic.

Motion: to accept the oral report from PG&E representatives, after providing comments to the utility’s staff

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5
NOES: 0

ADJOURNMENT

Mayor Esteves adjourned the City Council meeting at 9:03 PM.

*Meeting minutes respectfully submitted by
Mary Lavelle, City Clerk*